

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BARIKA AFRICAN MARKET, )  
INC., SAMPSON NPIMNEE, )  
Owner, and VERONICA NPIMNEE, )  
Owner, )

4:09CV3111

Plaintiffs, )

v. )

**MEMORANDUM  
AND ORDER**

UNITED STATES DEPARTMENT )  
OF AGRICULTURE, Food and )  
Nutrition Service, )

Defendant. )

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The parties have filed a joint motion (filing [17](#)) to dismiss the Department of Agriculture Food and Nutrition Service as a defendant in this matter for the reason that this action is brought under the judicial review provision of 7 U.S.C. § 2023(a)(13), making the United States of America the only proper defendant. I shall grant the parties' motion and direct the Clerk of Court to amend the caption accordingly.

IT IS ORDERED:

1. The parties' joint motion (filing [17](#)) to dismiss party defendant and to amend caption is granted;
2. The Clerk of the United States District Court for the District of Nebraska shall amend the caption of this case to reflect that the United States of America is the only named defendant;

3. The parties' future filings in this case shall contain the amended caption.

DATED this 14<sup>th</sup> day of October, 2009.

BY THE COURT:

*Richard G. Kopf*

United States District Judge